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By: **Senator Pinsky**  
Introduced and read first time: February 4, 2004  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 24, 2004

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Health Occupations~~ - **State Board of Dental Examiners - Regulation of**  
3 **Sedation - Issuance of Permits**

4 FOR the purpose of altering the authority of the State Board of Dental Examiners to  
5 adopt certain regulations ~~governing the administration of a certain type relating~~  
6 to a certain form of sedation; prohibiting the Board from ~~issuing a permit to~~  
7 ~~certain facilities under certain circumstances; prohibiting the Board from~~  
8 ~~issuing a permit to certain dentists under certain circumstances~~ requiring  
9 certain facilities or certain dentists to obtain certain permits under certain  
10 circumstances; requiring the Board to develop and draft certain regulations only  
11 after having convened and consulted with a certain committee consisting of  
12 certain representatives; requiring the Board to hold a certain number of public  
13 hearings regarding the proposed adoption of certain regulations; requiring the  
14 publication of the date of certain hearings in the Maryland Register; and  
15 generally relating to the regulation of sedation and the issuance of permits by  
16 the State Board of Dental Examiners.

17 BY repealing and reenacting, with amendments,  
18 Article - Health Occupations  
19 Section 4-205  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Health Occupations**

2 4-205.

3 (a) In addition to the powers set forth elsewhere in this title, the Board may:

4 (1) Adopt regulations governing:

5 (i) The administration of general anesthesia by a licensed dentist;

6 (ii) The administration of [parenteral] ~~CONSCIOUS~~ sedation by a  
7 licensed dentist;8 (iii) The use of a dental assistant by a licensed dentist in performing  
9 intraoral procedures;10 (iv) ~~[The] SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF~~  
11 ~~THIS SECTION, THE~~ issuance of a permit to a facility not otherwise regulated where a  
12 dentist administers or has general anesthesia or [parenteral] ~~CONSCIOUS~~ sedation  
13 administered;14 (v) ~~[The] SUBJECT TO THE PROVISIONS OF SUBSECTION (C) (B) OF~~  
15 ~~THIS SECTION, THE~~ issuance of a permit to a dentist who administers or has general  
16 anesthesia or [parenteral] ~~CONSCIOUS~~ sedation administered;17 (vi) Reasonable requirements for the training and evaluation of a  
18 dentist before the dentist may administer general anesthesia or [parenteral]  
19 ~~CONSCIOUS~~ sedation ~~OTHER THAN NITROUS OXIDE ADMINISTERED ALONE AND NOT~~  
20 ~~IN CONJUNCTION WITH;~~21 1. ANOTHER METHOD OF DIMINISHING OR ELIMINATING  
22 PAIN; OR23 2. MEDICATION USED FOR ~~THE DIMINUTION OR~~  
24 ~~ELIMINATION OF DIMINISHING OR ELIMINATING ANXIETY;~~25 (vii) The discipline of a holder of any facility or administration  
26 permit for the administration of general anesthesia or [parenteral] ~~CONSCIOUS~~  
27 sedation; and

28 (viii) The release of patient dental records;

29 (2) After consulting with the State Board of Pharmacy, adopt regulations  
30 regarding the dispensing of prescription drugs by a licensed dentist;31 (3) On receipt of a written and signed complaint, investigate an alleged  
32 violation of this title;33 (4) After consulting with the Maryland Dental Hygienists' Association,  
34 adopt regulations establishing continuing education requirements for licensed dental  
35 hygienists;

1 (5) Adopt regulations establishing continuing education requirements  
2 for licensed dentists;

3 (6) On receipt of a written and signed complaint, including a referral  
4 from the Commissioner of Labor and Industry, conduct an unannounced inspection of  
5 the office of a dentist, other than an office of a dentist in a hospital, related  
6 institution, freestanding medical facility, or a freestanding birthing center, to  
7 determine compliance at that office with the Centers for Disease Control's guidelines  
8 on universal precautions; and

9 (7) Establish committees from among its members to facilitate and  
10 assist the Board in discharging its duties and responsibilities under this title by  
11 evaluating, reviewing, and making recommendation to the Board on matters referred  
12 to the committees by the Board. The committees established shall include, but may  
13 not be limited to:

14 (i) A nominations committee;

15 (ii) A regulations committee;

16 (iii) A committee on dental hygiene composed of 3 dental hygienists,  
17 1 dentist, and 1 consumer to which the Board shall refer all matters within the  
18 Board's jurisdiction under this title relating to or affecting the practice of dental  
19 hygiene for the committee's evaluation, review, and recommendation;

20 (iv) A disciplinary committee; and

21 (v) Such other committees as the Board considers appropriate.

22 (B) ~~THE BOARD MAY NOT ISSUE A PERMIT TO A FACILITY NOT OTHERWISE~~  
23 ~~REGULATED WHERE~~ REQUIRE A FACILITY OR A DENTIST TO OBTAIN A PERMIT IF A  
24 DENTIST:

25 (1) ADMINISTERS NITROUS OXIDE THAT IS NOT ADMINISTERED IN  
26 CONJUNCTION WITH:

27 (I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR

28 (II) MEDICATION USED FOR ~~THE DIMINUTION OR ELIMINATION OF~~  
29 DIMINISHING OR ELIMINATING ANXIETY; OR

30 (2) PRESCRIBES OR ADMINISTERS ORAL MEDICATION TO A PATIENT  
31 WITHIN THE MAXIMUM RECOMMENDED DOSAGE FOR THAT PATIENT FOR THE SOLE  
32 PURPOSE OF DIMINISHING OR ELIMINATING ANXIETY THAT IS NOT PRESCRIBED IN  
33 CONJUNCTION WITH:

34 (I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR

35 (II) THE ADMINISTRATION OF NITROUS OXIDE.

36 (C) ~~THE BOARD MAY NOT ISSUE A PERMIT TO A DENTIST WHO:~~

1 ~~(I) ADMINISTERS NITROUS OXIDE THAT IS NOT ADMINISTERED IN~~  
 2 ~~CONJUNCTION WITH:~~

3 ~~(I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR~~

4 ~~(II) MEDICATION USED FOR THE DIMINUTION OR ELIMINATION OF~~  
 5 ~~ANXIETY; OR~~

6 ~~(2) PRESCRIBES MEDICATION TO A PATIENT WITHIN THE MAXIMUM~~  
 7 ~~RECOMMENDED DOSAGE FOR THAT PATIENT FOR THE SOLE PURPOSE OF~~  
 8 ~~DIMINISHING OR ELIMINATING ANXIETY THAT IS NOT PRESCRIBED IN~~  
 9 ~~CONJUNCTION WITH:~~

10 ~~(I) ANOTHER METHOD OF DIMINISHING OR ELIMINATING PAIN; OR~~

11 ~~(II) THE ADMINISTRATION OF NITROUS OXIDE.~~

12 [(b)] ~~(D)~~ (C) In addition to the duties set forth elsewhere in this title, the  
 13 Board shall:

14 (1) Keep a record of each license and each action taken under § 4-315 of  
 15 this title;

16 (2) Have an official seal; and

17 (3) Adopt rules, regulations, and bylaws as may be necessary to carry out  
 18 the provisions of this title.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the State Board of  
 20 Dental Examiners shall develop and draft regulations concerning the administration  
 21 of sedation in accordance with this Act only after having convened and consulted with  
 22 a committee consisting of representatives of:

23 (1) the Board;

24 (2) pediatric dentistry;

25 (3) periodontal dentistry;

26 (4) oral and maxillofacial surgery;

27 (5) general dentistry; and

28 (6) any other dental specialty that would be impacted by the regulation of  
 29 sedation.

30 SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of  
 31 Dental Examiners shall hold one or more public hearings regarding any regulations  
 32 proposed in accordance with Section 2 of this Act. The Board shall publish the date of  
 33 any hearing held in accordance with this section in the Maryland Register.

1 SECTION ~~2. 4.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2004.